IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

WP(C).No. 32023 of 2006(K)

PETITIONER:

K.K.MURALEEDHARAN, AGED 35 YEARS,
S/O.KUNJANBAVA, RESIDENT OF PULIKKAL HOUSE,
CC 20/1125, MUNDAMVELI, RAMESWARAM VILLAGE,
KOCHI TALUK.

BY ADV. SMT.PRAMEELA.C.K.

RESPONDENTS:

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1. THE ADDITIONAL DISTRICT MAGISTRATE,
ERNAKULAM.

2. THE ASST. EXECUTIVE ENGINEER,
K.S.E.B., ELECTRICAL SUB DIVISION,
THOPPUMPADY.

3. K.J.ANTONY, AGED 45 YEARS,
KATTIKKATTU HOUSE, MUNDEMVELI,
RAMESWARAM VILLAGE, KOCHI.

BY GOVERNMENT PLEADER SRI.M.A.FAYAZ
SRI.JOSE J.MATHEIKKAL, SC., K.S.E.B.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).NO.32023 of 2006-K

Dated this the 4th day of December, 2006

JUDGMENT

The petitioner has approached this Court challenging Ext.P3 order passed by the first respondent permitting the drawing of a weather proof line, to the residence of the 3rd respondent. The pathway between the property of the petitioner and the 3rd respondent belongs to the petitioner. He permitted the 3rd respondent to take water connection through the said pathway when their relationship was cordial. If the line is drawn through the pathway which belongs to the petitioner, it will affect its peaceful enjoyment. It is also submitted that the 3rd respondent is seeking connection to a newly constructed building. The third respondent's old building has electric connection and his new house is standing adjacent to that and he can take connection extending from the said building, it is submitted. So, the alternate route suggested has not been properly considered in Ext.P3. So, Ext.P3 is vitiated, it is submitted.

2. The learned Standing Counsel made available a sketch of the route through which line is sought to be drawn. Going by that sketch, through the pathway an over cut line is sought to be drawn from the point A-B. B is the post to be newly constructed. Its location is given

in the sketch as in front of the property of the 3rd respondent and it is beyond the eastern boundary of the petitioner's property. Therefore, the erection of the said post will not in any way affect the weather proof line passing above the pathway and will not in any way diminishes its utility.

3. The grievance of the petitioner that the alternate route suggested has not been considered is met by the learned Standing Counsel by stating that the line drawn through the old building is a weather proof line and that too with the consent of the land owners through which it passes. From weather proof line there cannot be further extension of power connection. So it is not technically feasible.

4. Going by the above facts, I find nothing illegal with Ext.P3 as stated earlier. It is true that the pathway belongs to the petitioner. But, the District Magistrate is competent to order drawing of line through the property belonging to the petitioner. Accordingly, I find nothing illegal with Ext.P3.

In the result, the writ petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR,JUDGE.

MS